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Attorney Docket No.:	<b>23528-030</b>
Application Serial No.:	<b>09/645,292</b>

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<b>1</b>	<b>Transmittal Form</b>
<b>3</b>	<b>Statement of the Substance of the Examiner Interview</b>

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<b>TRANSMITTAL FORM</b>  <small>(to be used for all correspondence after initial filing)</small>	Application Number	09/645,292	
	Filing Date	August 24, 2000	
	First Named Inventor	Linda M. Smith, et al	
	Art Unit	3622	
	Examiner Name	Jean D. Janvier	
Total Number of Pages in This Submission	3	Attorney Docket Number	23528-030

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm Name	Manatt, Phelps & Phillips	
Signature	<i>Thomas George</i>	
Printed name	Thomas George	
Date	May 22, 2006	Reg. No. 45,740

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Signature	<i>Leslie Hoffmann</i>	
Typed or printed name	Leslie Hoffmann	Date May 22, 2006

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23528-030  
Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE** RECEIVED  
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Applicant: Linda M. Smith, *et al.*  
Serial No.: 09/645,292  
Filed: 08/24/2000  
For: TARGETED MARKETING  
SYSTEM AND METHOD

Confirmation No.: 3365  
Art Unit: 3622  
Examiner: Janvier, Jean D.  
Attorney Docket No: 23528-030

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Date: 5/22/06 By: Leslie Hoffmann  
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MAY 22 2006

**STATEMENT OF THE SUBSTANCE OF THE EXAMINER INTERVIEW**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


This Statement of the Substance of the Examiner Interview is being timely filed in response to the Office Communication mailed April 21, 2006.

**Examiner Interview Summary**

A telephone interview was held on April 10, 2006 between Examiner Jean Janvier and the attorney for the Applicants, Thomas George, to discuss the claim amendments and arguments presented in the Response filed by the Applicants on March 31, 2006. This Interview Summary is being filed to supplement the Examiner's Interview Summary mailed on April 21, 2006. The participants discussed claim 21 and also the sole prior art reference used to reject that claim, i.e., U.S. Pat. No. 5,724,521 to Dedrick ("*Dedrick*"). Mr. George explained the elements of claim 21 to Examiner Janvier and also the reasons as to why *Dedrick* does not disclose at least the following elements set forth in claim 21: "a photographic likeness of the user", "confidence factors that

decay over time", "altering the photographic likeness of the user to incorporate the selected content into the photographic likeness of the user", and "presenting the user with the altered photographic likeness of the user." The Examiner agreed that *Dedrick* does not anticipate claim 21. Mr. George asserted that the prior art references cited in earlier Office Actions (i.e., US Pat. No. 6,199,106 to Shaw et al. and US Pat. No. 6,513,015 to Ogasawara) also do not disclose at least the "altering" and "presenting" elements set forth in claim 21. In addition, Mr. George pointed out that the "altering" element, among others, is also recited in new independent claims 33 and 46. Examiner Janvier stated that he felt the pending claims were "strong" but he wanted to perform another prior art search before allowing the claims.

Respectfully submitted,



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